



KATIE SWEENEY
General Counsel

January 20, 2012

Dr. Al Armendariz
Regional Administrator, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

Dear Dr. Armendariz:

The National Mining Association (NMA) would like to express its concern with the United States Environmental Protection Agency Region 6's (EPA Region 6) delays in approvals of aquifer exemption requests made by the Texas Commission on Environmental Quality (TCEQ). Hundreds of high-wage mining jobs in South Texas are at risk because of the regulatory uncertainty created by the EPA Region 6's delays in decision-making.

A crucial factor in the economic activities of NMA members across the country is regulatory certainty, knowing the rules that must be followed to get the permits and approvals needed to operate. NMA's uranium mining members in Texas are in a holding pattern and unable to move forward with operations due to EPA Region 6's failure to approve TCEQ's aquifer exemption requests as well as the agency's unprecedented demand for a modeling analysis to occur as part of the aquifer exemption review process. TCEQ and the uranium mining companies in Texas are following all applicable federal laws and EPA guidance documents. As such, they should not be subject to delays caused by EPA Region 6's requests for additional information, such as modeling analyses.

Furthermore, EPA Region 6's actions are not aligned with other EPA regions. NMA is aware of numerous aquifer exemption requests associated with uranium mining operations that have been approved in recent months by Regions 7 and 8 without the requirement to provide a modeling analysis. Nor are these latest requests consistent with EPA Region 6's past practice. It is NMA's understanding that in the past, EPA Region 6 has approved over 35 aquifer exemption requests for areas within the state of Texas so it has been demonstrated many times over that the EPA Region 6, TCEQ, and

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uranium mining companies can work together to fully comply with federal law to protect the drinking water sources for U.S. citizens.

NMA appreciates the time and effort you and the EPA Region 6 staff have expended on the aquifer exemption requests and respectfully ask you to approve the pending requests in compliance with federal law.

Sincerely,

A handwritten signature in black ink that reads "Katie Sweeney". The signature is written in a cursive, flowing style.

Katie Sweeney
General Counsel
National Mining Association

cc: Trey Powers – Executive Director, Texas Mining and Reclamation Association